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DN

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/597,940 06/20/00 TIEDEMANN

E QCPA 189CIPC

EXAMINER

WM02/1219

QUALCOMM INCORPORATED
5775 MOREHOUSE DRIVE
SAN DIEGO CA 92121-1714

COBBRIELUS, J

ART UNIT

PAPER NUMBER

2631

DATE MAILED:

12/19/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/597,940

Applicant(s)

Tiedemann et al

Examiner

Jean B. Corrielus

Group Art Unit

2631

☒ Responsive to communication(s) filed on Jun 20, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the application

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☒ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☐ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

Art Unit: 2631

DETAILED ACTION

Specification

1. The amendment filed on 6/20/00 has not been entered because it's too long. A substitute specification excluding claims is required pursuant to 37 CFR 1.125(a) to correct for the informalities as noted in the preliminary amendment dated 6/20/00.

A substitute specification filed under 37 CFR 1.125(a) must only contain subject matter from the original specification and any previously entered amendment under 37 CFR 1.121. If the substitute specification contains additional subject matter not of record, the substitute specification must be filed under 37 CFR 1.125(b) and must be accompanied by: 1) a statement that the substitute specification contains no new matter; and 2) a marked-up copy showing the amendments to be made via the substitute specification relative to the specification at the time the substitute specification is filed.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to

Art Unit: 2631

make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claim 1 recites the limitations of “wherein the cause of the transmission power increase may be a random fade condition or a continuing fade condition, if the cause of the transmission power increase is a random fade condition, then reducing the transmission power at a first predetermined rate for a first predetermined time period in response to the transmission power increase; if the cause of the transmission power increase is a continuing fade condition, maintaining the transmission power, however, there is no support for such limitations as claimed. The disclosure at page 5, lines 14-18 only teaches that the base station examines the pattern of incoming power control message to determined characteristics of the fade and use the estimated fade to control changes that need to be made. One skill in the art would not be able to make and/or use the invention as claimed. Claim 8 recites the limitations of “wherein said frame rate signal is based upon the characterization of the cause of the power increase as a random fade or a continuing fade, however, there is no support for such limitations as claimed. The disclosure at page 5, lines 14-18 only teaches that the base station examines the pattern of an incoming power control message to determined characteristics of the fade and use the estimated fade to control changes that need to be made. One skill in the art would not be able to make and/or use the invention as claimed.

Art Unit: 2631

Claim 12 recites that the “transmitter means for transmitting a transmission power increase signal and a power adjustment” there is no support for such limitations as claimed. The specification only teaches at page 11, lines 25-28 that the transmitter means adjusts a transmission power in response to a power adjustment signal. One skill in the art would not be able to make and/or use the invention as claimed.

As per claim 14, the limitation “0.25 DB” does not have support in the specification.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation “ may be” recited in claim 1, line 8 renders the claim vague and indefinite. The same comment applies to the limitation “may or may not be” recited in line 21.

Claims 2-7 depend on claim 1, they are equally rejected.

As per claim 8, line 9, the limitation “the transmission power increase” lacks of proper antecedent basis.

Claims 9-11 depend on claim 8, they are equally rejected.

Serial Number: 09/597,940

Page 5

Art Unit: 2631

6. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 305-3988 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

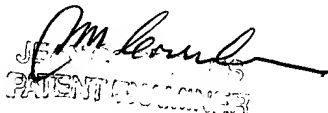
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).

Art Unit: 2631

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jean B. Corrielus whose telephone number is (703) 305-4023. The examiner can normally be reached on Monday-Thursday from 7:00 A.M. to 5:30 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chi Pham, can be reached on (703) 305-4378.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-4700.



JEAN B. CORRIELUS

December 15, 2000